



~~BAX-VHS~~  
1714  
tape  
ATTORNEY DOCKET NO. 22841-018  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
NICOLSON et al. ) Customer No.: 20277  
Serial No.: 09/640,526 ) Confirmation No.: 6172  
Filed: August 17, 2000 ) Group Art Unit: 1714  
FOR: EXTENDED WEAR OPHTHALMIC LENS ) Examiner: Edward Cain

RECEIVED  
SEP 9 2004  
TC 1700

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the cited reference(s) listed on the attached PTO-1449. The cited references are believed to be the most relevant known to Applicants and/or Assignee at this time concerning the invention as claimed in the above-captioned patent application. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects their relative pertinence.

Applicant(s) respectfully request(s) that each of the cited information be expressly considered during the prosecution of this application and that the cited reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of each reference is attached.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. Thus, no certification or fee is required.
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ c. Please charge the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 50-0417 in the amount of \$180.00 for payment of the petition fee. Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees associated with this communication to Deposit Account No. 50-0417. A duplicate copy of this communication is attached.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

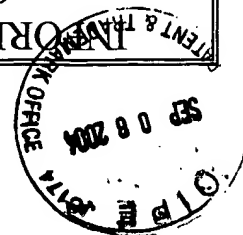
Date: September 8, 2004

  
Kenneth L. Cage  
Registration No. 26,151

600 13th Street, N.W., Suite 1200  
Washington, D.C. 20005-3096  
Telephone: 202-756-8000  
Facsimile: 202-756-8087

KLC:jam

C:\NrPort\WDC99\JMA\ZEL\945106\_1.DOC



INFORMATION DISCLOSURE  
APPLICATION  
IN AN  
CITATION

(PTO-1449)

ATTY. DOCKET NO. 22841-018		SERIAL NO. 09/640,526	
APPLICANT Paul NICOLSON, et al.			
FILING DATE August 17, 2000		GROUP 1714	

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes - Number - Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	Translation
					Yes	No

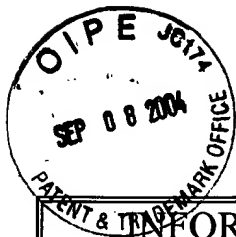
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	Journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

EXAMINER	DATE CONSIDERED
A Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 1-33, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
B Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 34-67, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
C Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 68-138, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
D Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 141-274, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
E Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 276-422, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
F Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 423-667, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
G Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 675-782, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
H Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 787 B, C & D, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
I Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 789-844, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	
J Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 846-941, April 2004. CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

RECEIVED  
SEP / 9 2004  
TC 1700



SHEET 2 OF 4

INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (PTO-1449)		ATTY. DOCKET NO. 22841-018		SERIAL NO. 09/640,526	
		APPLICANT Paul NICOLSON, et al.			
		FILING DATE August 17, 2000		GROUP 1714	
U.S. PATENT DOCUMENTS					
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US			
		US			
FOREIGN PATENT DOCUMENTS					
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes - Number 4 - Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear
					Yes No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)					
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	K	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 944-1015, April 2004.			
	L	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 1016-1081, April 2004.			
	M	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 1082-1132, April 2004.			
	N	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Trial Exhibits 1134-1188, April 2004.			
	O	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 1-35, April 2004.			
	P	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 36-93, April 2004.			
	Q	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibit 94, April 2004.			
	R	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 95-183, April 2004.			
	S	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 184-332, April 2004.			
	T	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 353-567, April 2004.			
	U	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 601-619, April 2004.			
EXAMINER			DATE CONSIDERED		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

RECEIVED

SEP / 9 2004

TC 1700



SHEET 4 OF 4

INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (PTO-1449)			ATTY. DOCKET NO. 22841-018		SERIAL NO. 09/640,526	
			APPLICANT Paul NICOLSON, et al.			
			FILING DATE August 17, 2000		GROUP 1714	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US				
		US				
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number 4-Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation  Yes No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	II	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #17 & #18 **BITC** CibaVision 6/30/93, CV51 002710				
	JJ	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #19 & #20 **BITC** CibaVision 6/30/93, CV51 002711				
	KK	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #21 & #22 **BITC** CibaVision 6/30/93, CV51 002712				
	LL	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #23 & #24 **BITC** CibaVision 6/30/93, CV51 002713				
	MM	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #25 & #26 **BITC** CibaVision 6/30/93, CV51 002708				
	NN	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #27 & #28 **BITC** CibaVision 6/30/93, CV51 002706				
	OO	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #29 RP Golf "Awards-Tape" CibaVision 6/30/93 CV51 002714				
	PP	CIBA Vision Corporation v. Bausch & Lomb, Inc., Tape, 1. See3 Z-Por/ Dextran 6-10-95 Time - 1:50 2. See3 Dispensing Study 6-10-95 Infiltrates - Mcov/Raus Time 2:00, CV51 002531				
	QQ	CIBA Vision Corporation v. Bausch & Lomb, Inc., Tape, Extended Wear Brien Holden Ph.D, September 16, 1992, Erba, Italy, CV51 002536				
	RR	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision /CRU / CECERT Research Collaboration Meeting, September 16-20, 1992, Erba, Italy Tape 1 of 4 Time: 6 Hours, CV51 002532				
	SS	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision /CRU / CECERT Research Collaboration Meeting, September 16-20, 1992, Erba, Italy Tape 2 of 4 Time: 6 Hours, CV51 002533				
	TT	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision /CRU / CECERT Research Collaboration Meeting, September 16-20, 1992, Erba, Italy Tape 3 of 4 Time: 6 Hours, CV51 002534				
	UU	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision /CRU / CECERT Research Collaboration Meeting, September 16-20, 1992, Erba, Italy Tape 4 of 4 Time: 6 Hours, CV51 002535				
EXAMINER			DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

RECEIVED

SEP / 9 2004

TC 1700



SHEET 3 OF 4

INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (PTO-1449)			ATTY. DOCKET NO. 22841-018		SERIAL NO. 09/640,526	
			APPLICANT Paul NICOLSON, et al.			
			FILING DATE August 17, 2000		GROUP 1714	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US				
		US				
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number + -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation  Yes      No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	V	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibit 620, April 2004.				
	W	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Trial Exhibits 621-640, April 2004.				
	X	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, CIBA'S Admitted Demonstrative Trial Exhibits 100-114, April 2004.				
	Y	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Demonstrative Trial Exhibits 27-82, April 2004.				
	Z	CIBA Vision Corporation v. Bausch & Lomb, Inc., Trial Before the Honorable Richard W. Story, United States District Court Judge for the Northern District of Georgia, Atlanta Division, Bausch & Lomb's Admitted Demonstrative Trial Exhibit 83, April 2004.				
	AA	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #01 & #02 **BITC** CibaVision 6/30/93, CV51 002700				
	BB	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #03 & #04 **BITC** CibaVision 6/30/93, CV51 002701				
	CC	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #05 & #06 **BITC** CibaVision 6/30/93, CV51 002702				
	DD	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #07 & #08 **BITC** CibaVision 6/30/93, CV51 002703				
	EE	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #09 & #10 **BITC** CibaVision 6/30/93, CV51 002704				
	FF	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #11 & #12 **BITC** CibaVision 6/30/93, CV51 002705				
	GG	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #13 & #14 **BITC** CibaVision 6/30/93, CV51 002707				
	HH	CIBA Vision Corporation v. Bausch & Lomb, Inc., Ciba Vision "See 3" Tape #15 & #16 **BITC** CibaVision 6/30/93, CV51 002709				
EXAMINER			DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

RECEIVED

SEP / 9 2004

TC 1700